

REMARKS

The Examiner's Action mailed on July 19, 2005 has been received and its contents carefully considered. Claim 6 is amended herein to address and overcome the objection raised by the Office Action. Applicants have also added new claim 18 for consideration. After entry of the foregoing amendments, claims 1-18 remain pending. For at least the following reasons, it is submitted that this application is in condition for allowance.

Claims 1-6, 10, 12 and 16 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by *Horiuchi et al.* (US 5,729,310). Independent claim 1 recites a liquid crystal display comprising a front bezel, a frame and a diffuser. The front bezel has a first fastened member. The frame is deposited below the front bezel. The diffuser plate is deposited below the frame and has a second fastened member. The frame has a first fastening member with respect to the first fastened member and a second fastening member with respect to the second fastened member. Significantly, claim 1 recites: **"the first fastening member and the second fastening member are respectively coupled with the first fastened member and with the second fastened member simultaneously so that the front bezel, the frame and the diffuser plate are integrated as a whole."**

In contrast, *Horiuchi et al.* disclose a light apparatus including a housing 5, a linear light source 6, a light guide plate 12, a diffusing plate 13, a lens 14, a reflecting plate 15, a radiating plate 16, an upper frame 1 and a lower frame 2. The linear light source 6, the light guide plate 12, the diffusing plate 13, the lens 14, the reflecting plate 15 and the radiating plate 16 are sandwiched between the upper frame 1 and the lower frame 2. Produced at the edges of the upper frame 1 are the protrusions 3 which each has a barb at the end to snap engage with the recesses 10 in the lower frame 2. The holes 17 into which the pins 11 of the lower frame 2 are fitted are formed on the edges of the light guide plate 12, the diffusing plate 13, the lens 14, the

reflecting plate 15, the radiating plate 16 and the upper frame 1, in locations corresponding to the pins 11. (see column 4, lines 23-33; column 5 lines 16-37; column 5 lines 57-62; FIGs. 5-6). The following description will discuss a method of assembling the lighting apparatus. First, positioning is performed by fitting the pins 11 of the lower frame 2 into the holes 17 of the radiating plate 16, reflecting plate 15, light guiding plate 12, diffusing plate 13 and lens 14 in this order. Thereafter, the linear light source 6 is disposed on the lower frame 2. Subsequently, the positioning of the upper frame 1 and the lower frame 2 is performed by fitting the pins 11 of the lower frame 2 into the holes 17 of the upper frame 1, and then the upper frame 1 and the barbed lower frame 2 are fixed to each other by engaging the protrusions 3 of the upper frame 1 with the recessions 10 of the lower frame 2. Thereafter, the harness 9 of the linear light source 6 is inserted into the slit 7 in the upper frame 1 that is provided for fixing the harness 9, and fixed with the stopper 8. By performing the above-mentioned processes, the lighting apparatus is completed. Further, a liquid crystal display device can be fabricated by layering the liquid crystal display panel 4 on the lighting apparatus, covering them with the housing 5, and fixing them with vises (not shown). (column 6 lines 5-24; FIGs.5-6)

Significantly, there is no disclosure (or even a suggestion) by *Horiuchi et al.* of the first fastening member and the second fastening member of the frame being respectively coupled with the first fastened member of the front bezel and with the second fastened member of the diffuser simultaneously so that the front bezel, the frame and the diffuser plate are integrated as a whole, as expressly recited in independent claim 1. Instead, *Horiuchi et al.* disclose that the positioning is performed by fitting the pins 11 of the lower frame 2 into the holes 17 of the radiating plate 16, reflecting plate 15, light guiding plate 12, diffusing plate 13 and lens 14 in this order. Further, *Horiuchi et al.* disclose that the positioning of the upper frame 1 and the lower frame 2 is performed by fitting the pins 11 of the lower frame 2 into the holes 17 of the upper frame 1, and

then the upper frame 1 and the barbed lower frame 2 are fixed to each other by engaging the protrusions 3 of the upper frame 1 with the recessions 10 of the lower frame 2. The upper frame 1, the light guide plate 12, the diffusing plate 13, the lens 14, the reflecting plate 15, the radiating plate 16 and the lower frame 2 are integrated as a whole, as recited by *Horiuchi et al.*

For at least these reason, independent claim 1, as well as claims 2-11 dependent therefrom, are not anticipated by (or rendered obvious by) *Horiuchi et al.*

Likewise, independent claim 12 includes limitations similar those of claim 1. Specifically, claim 12 recites that: "the first fastening member and the second fastening member are respectively coupled with the first fastened member and with the second fastened member simultaneously so that the front bezel, the panel, the frame, the multilayer optical film and the diffuser plate are integrated as a whole." As such, independent claim 12, as well as claims 13-17 dependent therefrom, are not anticipated by (or rendered obvious by) *Horiuchi et al.* For at least this reason, the rejections should be withdrawn.

Claims 7-9, 11, 13-15, and 17 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Horiuchi et al.* (US 5729310) in view of *Hayashimoto et al.* (US 2003/0122992). For at least the following reasons, Applicants disagree.

First, Applicants submit that these rejections should be withdrawn for at least the reasons as those set forth above, in defining independent claims 1 and 12 (from which claims 7-9, 11, 13-15, and 17 depend.

Second, Applicants submit that one skilled in the art would not be motivated to combine the select teachings of *Horiuchi* and *Hayashimoto* as alleged by the Office Action. In this regard, *Hayashimoto et al.* disclose a liquid crystal display device comprising a light source device 34, a metal body 20 supporting the light source device 34, a frame-like cover 36 covering the peripheral region of the light source device 34, a liquid crystal display element 38 held by the

cover 36, and a frame member 12 covering the peripheral region of the liquid crystal display element 38, the frame member 38 having hooks 30 for engagement with recesses 20c of the metal body 20. The light source device 34 comprises a light guide plate 41, fluorescent lamps 42 provided on opposite sides of the light guide plate 41, and a reflection film 43 provided underneath the light guide plate 41. Scattering sheets (or the diffusion sheets) 45 and 46 are optionally provided between the light guide plate 41 and the liquid crystal display element 38. (paragraph [0011], paragraph [0036]-[0039], paragraph [0041], FIGs. 5-6).

There is no disclosure (or even a suggestion) by *Hayashimoto et al.* of the first fastening member and the second fastening member of the frame are respectively coupled with the first fastened member of the front bezel and with the second fastened member of the diffuser simultaneously so that the front bezel, the frame and the diffuser plate are integrated as a whole, as recited in Applicants' independent claim 1. Instead, *Hayashimoto et al.* disclose that the light source device 34, the metal body 20, the frame-like cover 36, the liquid crystal display element 38 and the frame member 12 are integrated as a whole when hooks 30 of the frame member 12 are engaged with recesses 20c of the metal body 20.

Therefore, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to modify the liquid crystal display device disclosed in *Horiuchi et al.* by implementing the technique disclosed in *Hayashimoto et al.* to make the invention defined by the Applicant's original claim 1. It is respectfully suggested that the rejection under 103(a) should be withdrawn.

As a separate and independent basis for the traversal of these 103-based rejections, Applicant respectfully submits that the Office Action has failed to cite a proper motivation for combining the selective teachings of the cited references. It is well-settled law that in order to properly support an obviousness rejection under 35 U.S.C. § 103, there must have been some

teaching in the prior art to suggest to one skilled in the art that the claimed invention would have been obvious. W. L. Gore & Associates, Inc. v. Garlock Thomas, Inc., 721 F.2d 1540, 1551 (Fed. Cir. 1983). More significantly,

"The consistent criteria for determination of obviousness is whether the prior art would have suggested to one of ordinary skill in the art that this [invention] should be carried out and would have a reasonable likelihood of success, viewed in light of the prior art. ..." Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure... In determining whether such a suggestion can fairly be gleaned from the prior art, the full field of the invention must be considered; for the person of ordinary skill in the art is charged with knowledge of the entire body of technological literature, including that which might lead away from the claimed invention."

(*Emphasis added.*) In re Dow Chemical Company, 837 F.2d 469, 473 (Fed. Cir. 1988).

In this regard, Applicants note that there must not only be a suggestion to combine the functional or operational aspects of the combined references, but that the Federal Circuit also requires the prior art to suggest both the combination of elements and the structure resulting from the combination. Stiftung v. Renishaw PLC, 945 Fed.2d 1173 (Fed. Cir. 1991). Therefore, in order to sustain an obviousness rejection based upon a combination of any two or more prior art references, the prior art must properly suggest the desirability of combining the particular elements to derive a liquid crystal display, as claimed by the Applicants.

When an obviousness determination is based on multiple prior art references, there must be a showing of some "teaching, suggestion, or reason" to combine the references. Gambro Lundia AB v. Baxter Healthcare Corp., 110 F.3d 1573, 1579, 42 USPQ2d 1378, 1383 (Fed. Cir. 1997) (also noting that the "absence of such a suggestion to combine is dispositive in an obviousness determination").

Evidence of a suggestion, teaching, or motivation to combine prior art references may flow, inter alia, from the references themselves, the knowledge of one of ordinary skill in the art, or from the nature of the problem to be solved. See In re Dembiczak, 175 F.3d 994, 1000, 50

USPQ2d 1614, 1617 (Fed. Cir. 1999). Although a reference need not expressly teach that the disclosure contained therein should be combined with another, the showing of combinability, in whatever form, must nevertheless be "clear and particular." Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617.

If there was no motivation or suggestion to combine selective teachings from multiple prior art references, one of ordinary skill in the art would not have viewed the present invention as obvious. See In re Dance, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998); Gambro Lundia AB, 110 F.3d at 1579, 42 USPQ2d at 1383 ("The absence of such a suggestion to combine is dispositive in an obviousness determination.").

Significantly, where there is no apparent disadvantage present in a particular prior art reference, then generally there can be no motivation to combine the teaching of another reference with the particular prior art reference. Winner Int'l Royalty Corp. v. Wang, No 98-1553 (Fed. Cir. January 27, 2000).

In rejecting claim 1, based on the combination of *Horiuchi* and *Hayashimoto*, the Office Action has failed to comply with the legal standards set forth above. Specifically, in combining the two references, the Office Action states only that the combination would have been obvious "since *Hayashimoto et al.* teach that by using hooks and notches the number of assembling steps and parts and manufacturing cost can thus be reduced and the device can therefore be easily assembled." This alleged motivation is clearly improper in view of the well-established case law. Indeed, such a result-based motivation could be cited by the PTO to reject virtually any claim presented for patenting, and the Federal Circuit has developed legal standard to present such an inappropriate application of prior art. For at least this additional reason, Applicant traverses the rejections under 35 U.S.C. § 103.

For at least the foregoing reasons, independent claim 1, as well as the claims 2-11 dependent therefrom, is patentably distinguishable over the cited art. Further, independent claim 12, which includes defining limitations similar those of claim 1 (as well as the claims 13-17 dependent therefrom), patently defines over the cited art as well.


CONCLUSION

In view of the foregoing, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

By:


Daniel R. McClure
Registration No. 38,962

Thomas, Kayden, Horstemeyer & Risley, LLP
100 Galleria Pkwy, NW
Suite 1750
Atlanta, GA 30339
770-933-9500